



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

**JOHN FRANCIS GORDON**

**Serial No.: 09/284,421**

**Filed: June 11, 1999**

**Title: APPARATUS AND METHOD FOR  
CONDUCTING ASSAYS**

**Examiner: Bex, P. Kathryn**

**Group Art Unit: 1743**

**Attorney Docket No. 18950-37**

**CERTIFICATE UNDER 37 CFR 1.8(a)**

I hereby certify that on **November 16, 2001** this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as Express mail in an envelope addressed to the Commissioner of Patents, Washington, D.C. 20231.

Express Mail No. EL585705280US

By:

Name: Florence Thys-Doucet

**TRANSMITTAL OF CPA**

Honorable Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

Sir:

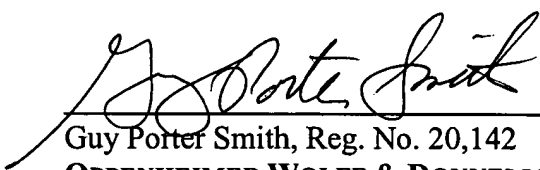
Enclosed for filing please find:

- CPA Application;
- Preliminary Amendment;
- A check in the amount of \$1,055.00 for the CPA filing fee;
- A check in the amount of \$55.00 for the 1 month extension of time fee; and
- 4 sheets of formal drawings which include the changes allowed by the Examiner

in the Office Action dated July 26, 2001.

Respectfully submitted,

Dated: November 16, 2001

  
Guy Porter Smith, Reg. No. 20,142  
**OPPENHEIMER WOLFF & DONNELLY LLP**  
2029 Century Park East, Suite 3800  
Los Angeles, California 90067  
(310) 788-5000

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**NOV 28 2001**

**TC 1700**

Please type a plus sign (+) inside this box → ☐

11-26-01

Approved for use through 09/30/00. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
PTO/SB/29 (12/97)  
29.01

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## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

|  |                        |               |
|--|------------------------|---------------|
| Address to:<br><br>Assistant Commissioner for Patents<br>Box CPA<br>Washington, DC 20231 | Attorney Docket No.    | 18950-37      |
|  | First Named Inventor   | J. F. Gordon  |
|  | Express Mail Label No. | EL585705280US |
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This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/284,421  
filed on June 11, 1999, entitled Apparatus and Method for Conducting Surveys

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371 and filed on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1. ☒ Enter the unentered amendment previously filed on September 25, 2001  
under 37 CFR 1.116 in the prior nonprovisional application.

2. ☒ A preliminary amendment is enclosed.

3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).

a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.

5. Information Disclosure Statement (IDS) is enclosed:

a. ☐ PTO-1449

b. ☐ Copies of IDS Citations

11/27/2001 GTEFFERA 00000119 09284421

|            |           |
|------------|-----------|
| Y01 FC:231 | 370.00 OP |
| Y02 FC:203 | 279.00 OP |
| Y03 FC:202 | 126.00 OP |
| Y04 FC:204 | 140.00 OP |

(Page 1 of 2)

Repln. Ref: 11/27/2001 GTEFFERA 0020493900  
DAH:162230 Name/Number:09284421  
FC: 704 \$140.00 CR

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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| CLAIMS | (1) FOR  | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE                      | (5) CALCULATIONS |
|--------|--|------------------|------------------|-------------------------------|------------------|
|        | TOTAL CLAIMS<br>(37 CFR 1.16(c))   | 51 XX - 20 =     | 31               | 31 x \$18 =                   | \$558.00         |
|        | INDEPENDENT<br>CLAIMS (37 CFR 1.16(b))                                     | 6 XX - 3 =       | 3                | 3 x \$84 =                    | \$252.00         |
|        | MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))                 |                  |                  | 2 x \$280.00=                 | \$560.00         |
|        |  |                  |                  | BASIC FEE<br>(37 CFR 1.16(a)) | \$740.00         |
|        | Total of above Calculations =  |                  |                  |                               | \$2,110.00       |
|        | Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28). |                  |                  |                               | \$1,055.00       |
|        | TOTAL =  |                  |                  |                               | \$1,055.00       |

6. Small entity status:

- a. ☐ A small entity statement is enclosed.  
b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.  
c. ☐ is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to

Deposit Account No. 16-2230:

- a. ☐ Fees required under 37 CFR 1.16.  
b. ☐ Fees required under 37 CFR 1.17.  
c. ☐ Fees required under 37 CFR 1.18.

8. ☒ A check in the amount of \$1,055.00 is enclosed.

9. ☐ Other: \_\_\_\_\_

**NOTE:**

*The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.*

10. NEW CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

or ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

|         |  |           |  |          |  |
|---------|--|-----------|--|----------|--|
| NAME    |  |           |  |          |  |
| ADDRESS |  |           |  |          |  |
| CITY    |  | STATE     |  | ZIP CODE |  |
| COUNTRY |  | TELEPHONE |  | FAX      |  |

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|           |                                   |
|-----------|-----------------------------------|
| NAME      | Guy Porter Smith, Reg. No. 20,142 |
| SIGNATURE | <i>Guy Porter Smith</i>           |
| DATE      | November 16, 2001                 |



*D. Lawrence*  
*PC - Am + D*  
*11-29-01*  
PATENT

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Express Mail No. EL585705280US

By:

Name: *Florence Thys-Doucet*

**PRELIMINARY AMENDMENT**

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please add the additional following claims.

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**TC 1700**

*Sup E37*  
*D1*  
105. An optically transparent structure for conducting assays comprising one or more chambers, each having an upper surface and a lower spaced opposed surface, said upper and lower surfaces defining a space therebetween, the lower surface having a plurality of surface locations bearing a hydrophillic coating, the spacing between said upper and lower surfaces being sufficiently small to facilitate fluid flow by capillary action of a fluid introduced into said space to cover all of the locations bearing a hydrophillic coating.

106. The structure of claim 105 including at least one opening providing access to said space from an external location.

*Sup E37*  
107. The structure of claim 105 wherein areas of said lower surface between said locations having hydrophobic coatings.

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